

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SimpleAir, Inc.,

Plaintiff,

vs.

Microsoft Corporation, et al.,

Defendants.

CASE NO. 2:11-cv-416-JRG

**JURY DEMANDED**

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**Joint Motion to Dismiss without prejudice claims and counterclaims  
between SimpleAir and HTC**

Plaintiff SimpleAir, Inc. (“SimpleAir”) and Defendants HTC America, Inc. and HTC Corporation (the “HTC Defendants”) respectfully move the Court to dismiss without prejudice (1) SimpleAir’s claims against the HTC Defendants and (2) the HTC Defendants’ counterclaims against SimpleAir in the above-captioned case. The parties further move that each party shall bear its own costs, expenses, and attorneys’ fees.

Date: June 20, 2013

Respectfully submitted,

By: /s/ Jeff Eichmann  
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By: /s/ John P. Schnurer

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HTC America, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 20<sup>th</sup> day of June 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Jeff Eichmann  
John Jeffrey Eichmann